

Environmental Protection Agency

§ 52.1071

(B) Addition of new COMAR 26.11.32—Control of Emissions of VOC from Consumer Products:

(1) Addition of COMAR 26.11.32.01 through COMAR 26.11.32.23 adopted by the Secretary of the Environment on July 25, 2003 and effective on August 18, 2003.

(2) Addition of new COMAR 26.11.32.01F—Retail Sales, adopted by the Secretary of the Environment on October 22, 2003 and effective on November 24, 2003.

(ii) Additional Material. Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(185)(i) of this section.

(186) Revisions to the Maryland State Implementation Plan submitted on April 24, 2003, July 7, 2003, and December 1, 2003 by the Maryland Department of the Environment pertaining to the Policies and Procedures Relating to Maryland's NO_x Reduction and Trading Program, and the Nitrogen Oxides Reduction and Trading Program.

(i) Incorporation by reference.

(A) Letter of April 24, 2003 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to COMAR 26.11.30 Nitrogen Oxides Reduction and Trading Program, effective April 28, 2003.

(1) Revisions to COMAR 26.11.30.09A.

(2) Deletion of existing COMAR 26.11.30.09B.

(3) Addition of new COMAR 26.11.30.09B, allocations for control periods 2003 through 2007.

(B) Letter of July 7, 2003 from the Maryland Department of the Environment transmitting an administrative correction to COMAR 26.11.30.09 amending Mirant Dickerson's Unit #3 allocation from 410 to 404 tons of NO_x.

(C) Letter of December 1, 2003 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to COMAR 26.11.29 NO_x Reduction and Trading Program, effective November 24, 2003.

(1) Revisions to COMAR 26.11.29.09 (title), .09A (introductory sentence), and .09A(1).

(2) Addition of COMAR 26.11.29.09A(2) and .09A(3).

(3) Revisions to COMAR 26.11.29.09B (introductory sentence), .09B(1) and .09B(2), establishing the set aside pool at 5 percent of the total trading budget.

(4) Deletion of COMAR 26.11.29.09E and 09F.

(5) COMAR 26.11.29.09G is renumbered as 26.11.29.09E.

(ii) Additional Material.

(A) Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(186)(i) of this section.

(B) [Reserved]

[37 FR 10870, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1070, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 69 FR 38850, June 29, 2004, § 52.1070 was amended by adding paragraph (c)(184), effective Aug. 30, 2004. For the convenience of the user, the added text is set forth as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(184) Revisions to the Code of Maryland Administrative Regulations (COMAR) for the Control of VOC Emissions from Portable Fuel Containers submitted on March 8, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of March 8, 2002 from the Maryland Department of the Environment transmitting an addition to Maryland's State Implementation Plan pertaining to the control of volatile organic compounds (VOC) emissions from portable fuel containers.

(B) Addition of new regulation .07 under COMAR 26.11.13—*Control of VOC Emissions from Portable Fuel Containers*, adopted by the Secretary of the Environment on December 21, 2001, and effective on January 21, 2002.

(ii) Additional Material.—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(184)(i) of this section.

§ 52.1071 Classification of regions.

The Maryland plans were evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Cumberland-Keyser Interstate	I	I	III	III	III
Central Maryland Intrastate	II	II	III	III	III
Metropolitan Baltimore Intrastate	I	I	I	I	I
National Capital Interstate	I	I	III	I	I
Southern Maryland Intrastate	III	III	III	III	III
Eastern Shore Intrastate	II	III	III	III	III

[37 FR 10870, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 45 FR 53475, Aug. 12, 1980]

§ 52.1072 Conditional approval.

(a)–(c) [Reserved]

(d) Revisions to the Maryland State Implementation Plan pertaining to Maryland's major VOC source RACT and minor VOC source requirements, COMAR 26.11.19.02G and COMAR 26.11.06.06, submitted on April 5, 1991, June 8, 1993, and July 12, 1995 by the Maryland Department of the Environment are conditionally approved. Maryland must meet the following conditions by no later than 12 months after the publication of the final conditional rulemaking. These conditions are: Maryland certify that it has submitted case-by-case RACT proposals for all sources subject to the RACT requirements; or demonstrate that the emissions from any remaining subject sources represent a de minimis level of emissions, as defined in the final rulemaking notice.

(i) Additional Material.

(A) Letter of February 7, 1996 from the Maryland Department of the Environment agreeing to meet certain conditions by no later than 12 months after the publication of the final conditional rulemaking. These conditions are: Maryland submit case-by-case RACT proposals for all sources subject to the RACT requirements; Maryland certify that, to the best of its knowledge, there are no other sources subject to the RACT requirements.

(e) Maryland's severe ozone nonattainment area SIP for the Metropolitan Washington area, which includes the 1996–1999 portion of the rate-of-progress plan submitted on December 24, 1997 and May 20, 1999 and the transportation control measures in Appendix H of the May 25, 1999 submittal, and the severe ozone attainment demonstration submitted on April 29, 1998,

August 17, 1998, February 14, 2000 and section 9.1.1.2 of the March 22, 2000 submittal and the transportation control measures in Appendix J of the February 9, 2000 submittal, is conditionally approved contingent on Maryland submitting a revised SIP by April 17, 2004 that satisfies certain conditions. This conditional approval also establishes motor vehicle emissions budgets for 2005 of 101.8 tons per day of volatile organic compounds (VOC) and 161.8 tons per day of nitrogen oxides (NO_x) to be used in transportation conformity in the Metropolitan Washington, DC serious ozone nonattainment area until revised budgets based upon the MOBILE6 model are submitted and found adequate. Maryland must submit a revised SIP by April 17, 2004 that satisfies the following conditions.

(1) Revises the 1996–1999 portion of the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the required 9 percent rate-of-progress reductions by November 15, 1999.

(2) Revises the 1999–2005 portion of the severe area rate-of-progress plan to provide MOBILE6-based mobile source emission budgets and adopted measures sufficient to achieve emission reductions of ozone precursors of at least 3 percent per year from November 15, 1999 to the November 15, 2005 severe ozone attainment date.

(3) Revises the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to